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10/588,521

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Ralf Zauritz

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EXAMINER

AMORES, KAREN J

ART UNIT

PAPER NUMBER

3616

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DELIVERY MODE

08/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---|---------------------------------------|--|
| Office Action Summary | Application No. 10/588,521 | Applicant(s) ZAURITZ ET AL. | |
| | Examiner KAREN JANE J. AMORES | Art Unit 3616 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/06/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Priority

1. Applicant is advised of possible benefits under 35 U.S.C. 119(a)-(d), wherein an application for patent filed in the United States may be entitled to the benefit of the filing date of a prior application filed in a foreign country.
2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 01 September 2004. It is noted, however, that applicant has not filed a certified copy of the 10 2004 404 2209.5 application as required by 35 U.S.C. 119(b).
3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 06 October 2004. It is noted, however, that applicant has not filed a certified copy of the 10 2004 404 8898.3 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 – 4, 6, 8, 9, 12 – 15, and 8 - 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Rasch et al. DE 10018170 (“Rasch”). Rasch discloses an airbag (16) for use in a motor vehicle (fig. 1a) comprising: with an airbag cover (24) enclosing a gas chamber (P1) and

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at least one venting arrangement which connects the gas chamber to the an exterior environment (A), wherein a gas flow (fig. 1b) is throttled or blocked by the venting arrangement when a certain area (16) of the airbag cover meets an obstacle (14), and the venting arrangement includes at least one opening in the airbag cover, and the venting arrangement also includes at least one tube connected with the airbag cover in which the at least one opening ends, and the tube exhibits includes an exit opening (side of 46) to the exterior environment.

6. In reference to claims 2 – 4, 6, and 18 – 20, Rasch further discloses the exit opening is one end of the tube; wherein two ends of the tube are exit openings; wherein the tube includes a fabric element (46) fixed on the airbag cover so that a part (45) of the tube walls are formed of a section (18a) of the airbag cover; further comprising a plurality of openings end in the at least one tube; wherein the tube is positioned such that upon deployment of the airbag a large occupant (14) of the motor vehicle will contact the tube and block the gas flow to the exterior environment and a small occupant (14) will not contact the tube, permitting the gas flow to continue; wherein the large occupant includes a fiftieth percentile male (14); wherein the small occupant includes a fifth percentile female (14).

7. In reference to claim 8, Rasch discloses a motor vehicle (fig. 1c) including a side airbag (12), the side airbag comprising: with an airbag cover (24) enclosing a gas chamber (P1) and at least one venting arrangement (44) which connects the gas chamber to an exterior environment (fig. 4a), and the a gas stream flow (A) is throttled or blocked when a certain area (48) of the airbag cover meets an obstacle (14), wherein the venting arrangement includes at least one opening in the airbag cover, and the venting arrangement also includes at least one tube connected with the airbag cover, in which the at least one opening ends, whereby and the tube

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includes an exit opening (side of 46) to an exterior environment (fig. 4b) going towards the outside, and wherein the tube is located at the shoulder height of a fiftieth percentile male (14) when located in his a normal seating position (fig. 7a) with the airbag expanded.

8. In reference to claim 9, Rasch discloses a motor vehicle (fig. 7b) with including a front airbag (12), the front airbag comprising: an airbag cover (18) enclosing a gas chamber (fig. 5a) and including an impact surface (18a) and at least one venting arrangement which connects the gas chamber to an exterior environment (A), wherein a gas flow (A) is throttled or blocked when a certain area (18b) of the airbag cover meets an obstacle (46), and the venting arrangement includes at least one opening in the airbag cover, and the venting tube also includes at least one tube connected with the airbag cover, in which the at least one opening ends, and wherein the tube includes an exit (side of 46) to the exterior environment.

9. In reference to claims 12 – 15, Rasch further discloses a plurality (42) of openings; further comprising two symmetrically arranged venting arrangements; wherein the tube on the impact surface extends substantially horizontally across the impact surface from a central upper area (fig. 4a); further comprising at least two openings.

10. Claims 1, 2, 4 5, 7, 8 – 12, 14 – 16, and 18 – 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hofmann et al. U.S. 7,475,904 (“Hofmann”). Hofmann discloses an airbag (14) for use in a motor vehicle (fig. 1) comprising: with an airbag cover (14) enclosing a gas chamber (16) and at least one venting arrangement which connects the gas chamber to an exterior environment (fig. 2a), wherein a gas flow (24) is throttled or blocked by the venting arrangement when a certain area (18) of the airbag cover meets an obstacle (12), and the venting

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arrangement includes at least one opening in the airbag cover, and the venting arrangement also includes at least one tube connected with the airbag cover in which the at least one opening ends, and the tube exhibits includes an exit opening (side of 34) to the exterior environment.

11. In reference to claims 2, 4, 5, 7, and 18 – 20, Hofmann further discloses the exit opening is one end of the tube; wherein the tube includes a fabric element (34) fixed on the airbag cover so that a part (30) of the tube walls are formed of a section (14) of the airbag cover; wherein the fabric element is located on the side of the airbag cover which faces occupants of the motor vehicle; at least one additional opening (22) in the airbag cover positioned such that the additional opening does not end in the at least one tube; wherein the tube is positioned such that upon deployment of the airbag a large occupant (20b) of the motor vehicle will contact the tube and block the gas flow to the exterior environment and a small occupant (20a) will not contact the tube, permitting the gas flow to continue; wherein the large occupant includes a fiftieth percentile male (20b); and wherein the small occupant includes a fifth percentile female (20a).

12. In reference to claim 8, Hofmann discloses a motor vehicle (fig. 2b) including a side airbag (14), the side airbag comprising: with an airbag cover (14) enclosing a gas chamber (16) and at least one venting arrangement which connects the gas chamber to an exterior environment (fig. 4a), and the a gas stream flow (fig. 6b) is throttled or blocked when a certain area (24) of the airbag cover meets an obstacle (2b), wherein the venting arrangement includes at least one opening in the airbag cover, and the venting arrangement also includes at least one tube connected with the airbag cover, in which the at least one opening ends, whereby and the tube includes an exit opening (side of 34) to an exterior environment (fig. 6c) going towards the

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outside, and wherein the tube is located at the shoulder height of a fiftieth percentile male (2b) when located in his a normal seating position (fig. 5) with the airbag expanded.

13. In reference to claim 9, Hofmann discloses a motor vehicle (fig. 2a) with including a front airbag (for seat 10), the front airbag comprising: an airbag cover (14) enclosing a gas chamber (16) and including an impact surface (14) and at least one venting arrangement which connects the gas chamber to an exterior environment (fig 2b), wherein a gas flow (fig. 3a) is throttled or blocked when a certain area (26) of the airbag cover meets an obstacle (2b), and the venting arrangement includes at least one opening in the airbag cover, and the venting tube also includes at least one tube connected with the airbag cover, in which the at least one opening ends, and wherein the tube includes an exit (side of 34) to the exterior environment.

14. In reference to claims 10 – 12 and 14 – 16, Hofmann further discloses the at least one tube is located on the impact surface of the airbag; wherein the at least one tube located on the impact surface extends in an angled upward direction (fig. 4a) from a lower central area (18) of the impact surface sloping in an upwards direction (fig. 4b); a plurality of openings (22); wherein the tube on the impact surface extends substantially horizontally across the impact surface from a central upper area (16); wherein the front airbag is a passenger airbag (14) and the tube is located at an area (24) of the airbag cover between the impact surface and an instrument panel (12) of the motor vehicle, and the tube extends basically at an angle (26) to the longitudinal direction of the vehicle.

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Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hofmann in view of Abe, U.S. 6,712,384 (“Abe”). Abe does not disclose the tube located approximately at knee level. Abe teaches a knee-level vent (14h). It would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify Hofmann such that it comprised the tube located at knee level in view of the teachings of Abe so as to protect the knees by adapting the pressure releasing gas or restricting the flow out of the vent hole (column 3, line 44).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN JANE J. AMORES whose telephone number is (571)272-6212. The examiner can normally be reached on Monday through Friday, 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Paul Dickson can be reached on (571)-272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GLENN DAYOAN/
Supervisory Patent Examiner, Art Unit 3612

KAREN J AMORES
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